

REMARKS

Claims 1-14 and 17-50 were pending. By this Amendment and Response, Claims 19-27, 30-32, and 36 have been canceled and Claims 1, 6, 28-29, 33-35, 37-40, 42, and 48-50 have been amended. Claims 1-14, 17-18, 28-29, 33-35, and 37-50 are pending.

Amendment of Claims

Applicant has amended claims 1, 6, 28-29, 33-35, 37-40, 42, and 48-50 to more clearly point out and distinctly claim the subject matter which applicant regards as its invention. No new matter has been added. These amendments are all supported by the application as published in the International phase.¹

Election/Restriction

The examiner has required applicant to elect between Group I claims (Claims 1-14, 17-18, and 48), Group II claims (Claims 19-41 and 50), and Group III claims (Claims 42-47 and 49). Applicant hereby provisionally elects the Group I claims, with traverse.

One of the requirements for imposing a restriction is that "there would be a serious burden on the examiner if restriction is not required." M.P.E.P. § 803. Further, "examiners must provide reasons and/or examples to support conclusions." *Id.* In the present case, the examiner

¹ For example, the amendments to claim 1 are supported by the application as published in the International phase as follows: the phrase "logical links" is supported at page 10, line 23 to page 11, line 2; the phrase "said packet switch services delivered by a plurality of packet processing pipelines" is supported by, at least, page 13, lines 20 to 28 and page 28, lines 1 to 7; the phrase "each of said packet processing pipelines processing packets according to one or more packet protocols" is supported by, at least, page 13, lines 3 to 5 and page 28, lines 1 to 7; the phrase "configured to test for a route across a plurality of nodes, and if nodes of the plurality of nodes have required resources, to establish one or more logical links along the route across the plurality of nodes" is supported by, at least, page 29, lines 3 to 7; the phrase "each logical link comprising one or more channels of a physical link" is supported by, at least, page 10, lines 23 to 26 and page 28, lines 1 to 7; the phrase "wherein each said logical link can be selectively switchable into circuit-switched services or de-multiplex via packet buffering" is supported by at least page 11, lines 3 to 5; and the phrase "enabling OSI layer 3 traffic to be carried without using OSI layer 2 link layer mechanisms" is supported by page 28, lines 1 to 7.

has not provided any reason as to why there would be a serious burden to search and examine all three groups. Indeed, the examiner has not even contended that there would be a serious burden.

A second requirement for imposing a restriction is that "the inventions must be independent." M.P.E.P. § 803. Here, the examiner states that the various claims "lack the same or corresponding special technical features," but does not actually contend that the inventions in these claims are independent. Further, the examiner does not provide any reason and/or example to support such a conclusion.

As such, applicant respectfully submits that the restriction requirement is not properly supported and should therefore be withdrawn. Should the examiner nevertheless contend that there would be a serious burden, applicant would respectfully request that the examiner provide reasons and/or examples to support this conclusion and that the examiner provide applicant with a fair opportunity to respond to them.

Identification of Claims Subject to Provisional Election

Applicant has amended the dependencies of Claims 28-29, 33-35, and 37-47 so that these claims now depend upon a claim within Group I, rather than a claim within the other groups.

Applicant has similarly amended independent Claims 49-50 to fall within elected Group I. Thus, the elected Group I claims now include Claims 28-29, 33-35, 37-47, and 49-50, as well as Claims 1-14, 17-18, and 48.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance and early notice of the same is earnestly requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Marc E. Brown
Registration No. 28,590


**Please recognize our Customer No. 33401
as our correspondence address.**

2049 Century Park East, 38th Floor
Los Angeles, CA 90067
Phone: (310) 277-4110
Facsimile: (310) 277-4730
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